



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,910	12/27/2001	Atsushi Nagahara	111583	1226
25944	7590	11/28/2007	EXAMINER	
OLIFF & BERRIDGE, PLC			LASTRA, DANIEL	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3622	
MAIL DATE		DELIVERY MODE		
11/28/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/026,910	NAGAHARA, ATSUSHI
	Examiner	Art Unit
	DANIEL LASTRA	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 September 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 have been examined. Application 10/026910 (SYSTEM AND METHODS FOR PROVIDING A BILLING SYSTEM FOR USE IN A CONTENT DISTRIBUTION SERVICE) has a filing date 12/27/2001 and foreign priority 01/05/2001.

Response to Amendment

2. In response to Non Final Rejection filed 07/05/2007, the Applicant filed an Amendment on 09/07/2007, which amended claims 1, 2, 12, and 13.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US 2001/0041053).

As per claims 1, 12 and 13, Abecassis teaches:

A system for distributing a debt in a content providing service, the system being communicably connected to a content storage device that stores one or more digital contents and also communicably connects to an additional-information storage device that stores additional information offered that is provided by one or more additional information providers, the system having a capability of distributing a debt such that

when additional information is transmitted to a user associated with a digital content, at least a portion of the debt imposed upon the user as a result of transmission of the digital content to the user is distributed to the additional-information provider of the additional information (see paragraphs 384-387),

the digital content and the additional information being selected from the content storage device and the additional-information storage device in accordance with a selection criterion that is based on a debt distribution designated by the user (see paragraph 387 “subscription”), *in a user profile* (see paragraphs 153, 302, 307-312 “viewer content preferences”; “a user may construct a content preference structure”); and at least a portion of the debt imposed upon the user is distributed to the additional-information provider based on the selection result (see paragraphs 384-388).

As per claim 2, Abecassis teaches:

A billing system for use in a content providing service, the system being communicably connected to content storage device that stores one or more digital contents and also communicably connects to an additional-information storage device that stores additional information offered that is provided by one or more additional-information providers, the system having a capability of distributing a payment value such that when additional information is transmitted to a user associated with a digital content, at least a portion of the payment value charged to the user as a result of transmission of the digital content to the user is distributed to the additional-information provider of the additional information, the system comprising:

a distribution-manner information storage device that stores distribution manner information indicating a manner of distributing the payment value, designated by the user (see paragraph 387) *in a user profile* (see paragraphs 153, 302, 307-312 "viewer content preferences"; "a user may construct a content preference structure");

a content selection device that selects a digital content from the digital contents stored in the content storage device (see paragraphs 384-387);

an additional-information selection device that selects additional information from the additional information stored in the additional-information storage device (see paragraphs 384-387);

an additional-information linkage device that makes a link between the digital content selected by the content selection device and the additional information selected by the additional-information selection device (see paragraphs 384-387);

a content transmission device that transmits the digital content linked to the additional information to the user (see paragraphs 384-387); and

a payment value distribution device that distributes a portion of the payment value charged to the user to the additional-information provider, in accordance with the selection result made by the content selection device and in accordance with the selection result made by the additional-information selection device (see paragraphs 384-387);

at least one of the content selection device and the additional-information selection device making a selection based on the distribution-manner information stored in the distribution-manner information storage device and based on a selection result

made by the other one of the content selection device and the additional-information selection device (see paragraphs 384-387).

As per claim 3, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 2, the content storage device storing the digital content such that the digital content is related to digital-content-fee information indicating a fee for the digital content to be paid by the user, the additional-information storage device storing the additional information such that the additional information is related to discount value information indicating a discount value that will be reduced from the payment value when the additional information is linked to the digital content, at least one of the content selection device and the additional-information selection device making a selection such that the sum of the fee calculated on the basis of the digital-content-fee information or the discount value information corresponding to a selection result made by the other one of the content selection device and the additional-information selection device based on the distribution-manner information stored in the distribution manner information storage device and the fee calculated on the basis of the discount value information or the digital-content-fee information corresponding to a selection result made by the user meets a condition specified by the user (see paragraphs 384-387, 407, 411).

As per claim 4, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 3, the distribution-manner information being information indicating a maximum value in terms of the payment value designated by the user (see paragraphs 387 and 422), and

the content selection device selecting the digital content such that the fee calculated on the basis of the digital-content-fee information corresponding to the digital content to be selected by the content selection device does not become greater than the sum of the maximum value indicated by the distribution-manner information and the discount value calculated on the basis of the discount value information corresponding to the additional information selected by the additional-information selection device (see paragraphs 384-387, 406).

As per claim 5, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 3, the distribution-manner information being information indicating a maximum value in terms of the payment value designated by the user, and the additional-information selection device selecting the additional information such that the fee calculated on the basis of the digital-content-fee information corresponding to the digital content selected by the content selection means does not become greater than the sum of the maximum value indicated by the distribution-manner information and the discount value calculated on the basis of the discount value information corresponding to the additional information to be selected by the additional-information selection device (see paragraphs 384-387, 406).

As per claim 6, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 4, further comprising:

a fee calculation device that calculates the fee on the basis of the digital content-fee information corresponding to the digital content selected by the content selection device (see paragraphs 384-387); and

a discount value calculation device that calculates the discount value on the basis of the discount value information corresponding to the additional information selected by the additional-information selection device (see paragraphs 384-387),

the content selection device selecting the digital content such that the fee calculated on the basis of the digital-content-fee information corresponding to the digital content to be selected by the content selection device does not exceed than the sum of the maximum value indicated by the distribution-manner information and the discount value calculated by the discount value calculation device (see paragraphs 384-387, 406);, and

the additional-information selection device selecting the additional information such that the fee calculated by the fee calculation means does not exceed the sum of the maximum value indicated by the distribution-manner information and the discount value calculated on the basis of the discount value information corresponding to the additional information to be selected by the additional-information selection device (see paragraphs 384-387).

As per claim 7, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 3, the distribution-manner information being information indicating a selection condition in terms of the additional information designated by the user (see paragraphs 384-387),

the additional-information selection device selecting additional information that meets the selection condition indicated by the distribution-manner information, and the fee distribution device determining the payment value to be paid by the user by subtracting the discount value calculated on the basis of the discount value information corresponding to the additional information selected by the additional information selection device from the fee calculated on the basis of the digital-content-fee information corresponding to the digital content selected by the digital content selection device (see paragraphs 384-387).

As per claim 8, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 3, the distribution-manner information being information indicating a digital content selection condition specified by the user, the content selection device selecting a digital content that meets the selection condition indicated by the distribution-manner information, and the fee distribution device determining the payment value to be paid by the user by subtracting the discount value calculated on the basis of the discount value information corresponding to the additional information selected by the additional information selection device from the fee calculated on the basis of the digital-content-fee information corresponding to the digital content selected by the digital content selection device (see paragraphs 384-387).

As per claim 9, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 2, further comprising:

user information storage device that stores user information associated with a user (see paragraph 153), and

content layout device that determines an output layout of the digital content linked to the additional information, in accordance with the user information stored in the user information storage device, and laying out the digital content in accordance with the determined output layout, the content distribution device transmitting a digital content laid out by the layout device to the user (see figures 4a-4c).

As per claim 10, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 2, further comprising a distribution-result providing device that provides a distribution result made by the fee distribution device to the user (see paragraph 406).

As per claim 11, Abecassis teaches:

A billing system for use in a content distribution service according to Claim 10, further comprising:

a modify command input device that inputs a modify command to modify the distribution-manner information in response to the distribution result provided by the distribution-result providing device (see figures 4a-4c); and

a distribution information modifying device that modifies the distribution manner information stored in the distribution-manner information storage device in accordance with the modify command inputted via the modify command input device (see figures 4a-4c).

Response to Arguments

4. Applicant's arguments filed 09/07/2007 have been fully considered but they are not persuasive. The Applicant argues that Abecassis is silent regarding a user profile that specifies a manner of debt distribution designated by a user because according to the Applicant, in Abecassis a viewer is forced to be actively engaged in selecting and viewing videos, in order for a corresponding debiting and crediting of the viewer's account. The Examiner answers Abecassis teaches a system that allows a user to construct a content preference profile, where said profile includes user's viewing preference information which allows said user to receive videos with the level of expression, content, detail, length and cost consistent with the viewer preferences (see paragraphs 28, 307-312). Therefore, contrary to Applicant's argument, Abecassis teaches the "user's profile" limitation.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

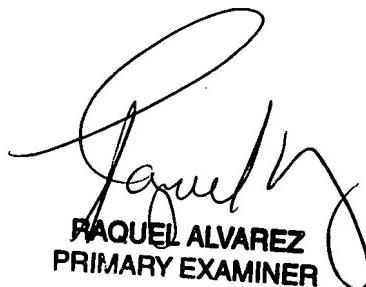
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
November 22, 2007.



RAQUEL ALVAREZ
PRIMARY EXAMINER